## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA		)
	Plaintiff,	) 8:07CR71 )
	vs.	) ) DETENTION ORDER
SA	INTOS PENA,	<i>)</i> )
	Defendant.	<b>,</b>
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on March 7, 2007, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.	
C.	distribute methamphetam carries a minimum sente maximum of life imprisonm (Count VI) in violation of a sentence of five years imprisonment.  (b) The offense is a crime of imprisonment.  (c) The offense involves a nate of imprisonment.  (d) The offense involves a large of imprisonment.  (2) The weight of the evidence against of the evidence against of the evidence against of the evidence against of the defendant and a may affect wheth of the defendant has a sentence of the evidence against of the defendant has a sentence of the evidence against of the defendant has a sentence of the evidence against of the defendant has a sentence of the evidence against of the defendant has a sentence of the evidence against of the defendant has a sentence of the evidence against	and includes the following: a offense charged: a to distribute and possess with intent to ine (Count I) in violation of 21 U.S.C. § 846 ence of ten years imprisonment and a nent; the distribution of methamphetamine 21 U.S.C. § 841(a)(1) carries a minimum prisonment and a maximum of forty years violence.  Arcotic drug. By amount of controlled substances, to wit:  Inst the defendant is high. By the defendant including:  Inst the defendant will appear. By as no family ties in the area. By as no steady employment. By as no substantial financial resources. By anot have any significant community. By a substantial financial community. By a

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(b) At the ti	me of the current arrest, the defendant was on:  Probation
	Parole Release pending trial, sentence, appeal or completion of sentence.
(c) Other F	actors: The defendant is in the U.S. on an expired work permit and is subject to deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.  The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.  Other:
	nd seriousness of the danger posed by the defendant's follows: The nature of the charges in the Indictment.
X (5) Rebuttable Pr	
	that the defendant should be detained, the Court also relied grebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
which the Cou	rt finds the defendant has not rebutted:
	condition or combination of conditions will reasonably
	the appearance of the defendant as required and the safety ther person and the community because the Court finds that
	ne involves:
	(1) A crime of violence; or
X	(2) An offense for which the maximum penalty is life
V	imprisonment or death; or
<u>X</u>	(3) A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for one
	of the crimes mentioned in (1) through (3) above which
	is less than five years old and which was committed
X (b) That no	while the defendant was on pretrial release.  condition or combination of conditions will reasonably
	the appearance of the defendant as required and the safety
	community because the Court finds that there is probable
cause to	believe:
X	(1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	<ul><li>10 years or more.</li><li>(2) That the defendant has committed an offense under 18</li></ul>
<del></del>	U.S.C. § 924(c) (uses or carries a firearm during and in
	relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from

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- persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 7, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge